

REMARKS

In the Office Action¹, the Examiner rejected claims 1-7 and 30-33 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,347,136 to Horan ("Horan"), in view of U.S. Patent No. 5,956,697 to Usui ("*Usui*"), and further in view of U.S. Patent No. 6,959,288 to Medina et al. ("*Medina*").

Applicants have amended claims 1, 30, and 32. Claims 1-7 and 30-33 are pending.

Applicants respectfully traverse the rejection of claims 1-7 and 30-33 under 35 U.S.C. § 103(a). The prior art cited by the Examiner, *Horan*, *Usui*, and *Medina*, does not teach or suggest each and every element of claims 1-7 and 30-33. A *prima facie* case of obviousness has, therefore, not been established.

Claim 1 recites an electronic apparatus including, for example:

...
computing means for computing an amount of charge based on the execution time measured by said measuring means regarding each of said functions, wherein a time unit charge decreases as the execution time increases and the time unit charge becomes zero when the execution time reaches a predetermined time value; and

receiving means for receiving a first key to disable at least one of the plurality of functions, including playback, recording, fast forwarding, and rewinding, if the amount of charge is not settled, and a second key to enable at least one of the plurality of functions, including playback, recording, fast forwarding, and rewinding, if the amount of charge is settled.

¹ The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicants decline to automatically subscribe to any statement or characterization in the Office Action.

(emphasis added). *Horan*, *Usui*, and *Medina*, even if combined as suggested by the Examiner, fail to teach or suggest at least the claimed “computing means” and “receiving means.”

The Examiner correctly states that *Horan* and *Usui* do not teach or suggest the claimed “computing means” and “receiving means” (Office Action at page 3). *Medina* does not cure the deficiencies of *Horan* and *Usui*.

Medina discloses content encryption keys “used by End-User-Device(s) 109 to unlock Content 113 for which they have obtained rights, typically by a purchase transaction from an authorized Electronic Digital Content Store(s) 103” (col. 44, lines 43-47). Col. 49, line 42 - col. 50, line 5 of *Medina* discloses billing of content handled by clearinghouse 105 or electronic digital content stores.

While the system in *Medina* charges a user for items purchased, the billing and payment scheme in *Medina* does not disclose the claimed correlation between an “execution time” and a “time unit charge.” Applicants submit that neither this passage nor any other passage of *Medina* teaches or suggests the claimed “computing means for computing an amount of charge” wherein “a time unit charge decreases as the execution time increases and the time unit charge becomes zero when the execution time reaches a predetermined time value,” as recited in claim 1 (emphasis added).

In addition, while *Medina* mentions “encryption keys” that are used to “unlock content,” *Medina* does not teach or suggest the claimed “first key” and “second key” in combination with enabling or disabling “functions” based on settlement of an “amount of charge.” Therefore, *Medina* does not teach or suggest “receiving a first key to disable at least one of the plurality of functions, including playback, recording, fast forwarding,

and rewinding, if the amount of charge is not settled, and a second key to enable at least one of the plurality of functions, including playback, recording, fast forwarding, and rewinding, if the amount of charge is settled," as recited in claim 1.

Accordingly, *Horan*, *Usui*, and *Medina* fail to establish a *prima facie* case of obviousness with respect to claim 1. Claims 2-7 are also allowable at least due to their depending from claim 1. Independent claims 30 and 32 and dependent claims 31 and 33, although of different scope than claim 1, are allowable for at least the same reasons discussed above in regard to claim 1.

In view of the foregoing amendments and remarks, Applicants respectfully request reconsideration of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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By: 

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